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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,776

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Jeffrey C. Schlimmer

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EXAMINER

PORTKA, GARY J

ART UNIT

PAPER NUMBER

2188

MAIL DATE

DELIVERY MODE

12/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/783,776	SCHLIMMER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gary J. Portka	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 17-25 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-14, and 26-38 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6 Oct 2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 6, 2008 has been entered.
2. Claims 1, 9, 12, 14, 15, 17, 18, 21-23, 26, 34, and 36-38 have been amended, and claim 16 has been canceled. Claims 1-15 and 17-38 are pending.

### ***Response to Arguments***

3. Applicant's arguments filed October 6, 2008 have been fully considered but they are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 26-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 26-38 recite a computer program product, which as described in the specification summary is intended to include a signal embodied on a carrier wave. This does not fall into one of the four statutory classes of invention, and thus is intended to cover non-statutory subject matter.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9-14 and 34-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 9 and 34 each recite the policy digest identifies an invalid policy. This is unclear since 1) the policy is sent from the host to the client, 2) the policy digest is sent which identifies assertions of that policy that the client is complying with. Are the claims implying that the host might have sent an invalid policy? Otherwise, the claim appears to state the policy digest identifies assertions that the client complies with, of the sent (valid) policy, while also identifying an invalid policy. It is suggested that these claims should state something similar to claim 18, that the policy digest identifies assertions that are invalid. Claims 10-14 and 35-38 incorporate these limitations by dependency.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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10. Claims 1, 3, 6-13, 26, 28, & 31-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Knouse et al., US 7,185,364 B2, herein "Knouse".

11. As to claims 1, 9, 26, and 34, Knouse discloses a *method and computer program product for sending a policy (cookie) from a host and receiving it at a client, which includes assertions for the client to comply with to access host resources (col. 2 lines 28-30, col. 2 line 65 to col. 3 line 17, and col. 22 lines 57-64), cached at the client (col. 23 lines 13-15), determining the client is complying with at least one assertion, generating a policy digest identifying it, sending a message to the host including the policy digest and extracting it (col. 22 lines 19-36, and col. 22 line 64 to col. 23 line 12, where a cookie at a client sent to the host indicates whether it has authorization to access resources that have associated authentication rules/levels that must be complied with by the client), and denying access to the resource if the digest identifies an invalid policy (to the extent understood, see 35 USC 112 rejection above; see col. 23 lines 20- 62 which show steps for authenticating and the denial of access if authentication fails).*

12. As to claims 3 and 28, Knouse further discloses generating the policy digest includes encoding a bit vector identifying selected assertions from the cached policy (since any data byte or word from the client to the host may be considered a bit vector to the extent claimed, and includes responses to the authentication challenge and thus identity of assertions as recited).

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13. As to claims 6, 7, 31 and 32, Knouse further discloses incrementing a counter each time the cached policy is used; and removing the cached policy from a cache at the client when the counter exceeds a limit value, which would also apply when a fault is received at the client in response to using the policy (col. 35, lines 27-34, where a cookie becomes invalid after a time period, the time counted by a clock to the extent claimed, the invalidity of the cookie requiring a removal and replacement of the cookie at the client).

14. As to claims 8 and 33, Knouse further discloses logging a diagnostic event when a fault is received at the client to identify a system problem (col. 23 lines 40-43).

15. As to claim 10, Knouse further discloses issuing a fault for the client if the policy digest identifies an invalid policy (since denial of access may be considered issuing a fault for the client).

16. As to claims 11, 12, 35, and 36, Knouse further discloses decoding the policy digest or a bit vector of the policy (since the message sent, i.e., the cookie, must somehow be decoded to be read and understood at the host).

17. As to claims 13 and 37, Knouse further discloses reading an assertion from the policy digest (since any of the requirements of the authentication, i.e., the assertions, must be read to be satisfied in the cookie authentication).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 2, 5, 14, 27, 30 & 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knouse, and further in view of Atkinson et al., US 6,519,764, herein "Atkinson".

20. Knouse does not expressly disclose generating or using a hash of the policy digest. However, Atkinson discloses a hash as claimed by applicant:

21. As to claim 2, Atkinson further discloses generating the policy digest includes generating a hash of the cached policy (col. 11, lines 17-23 & col. 28, lines 39-63).

22. Knouse and Atkinson are analogous art because they are from similar problem solving areas: data object identification to distinguish appropriate resources. At the time of invention, it would have been obvious to a person of ordinary skill in the art to apply the hashing functions, taught by Atkinson, with the cache policy system taught by Knouse. The suggestion/motivation for doing so would have been to bind source information to a meaningful moniker which encapsulates the referenced data, as disclosed by Atkinson in col. 9, lines 1-6. The benefit of such information binding is to reduce confusion between different policies or subsequent versions of similar policies.

23. As to claims 5, 14, 27, 30, and 38, Atkinson further discloses generating the policy digest includes generating a row hash of the cached policy if the cached policy is normalized, and reading a row hash of the cached policy (col. 11, lines 17-23 & col. 28, lines 39-63).

***Allowable Subject Matter***

24. Claims 15-25 are allowed.
25. Claims 4 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and amended to overcome any other non-art rejections including those under 35 USC 101 and 112.

***Conclusion***

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary J. Portka whose telephone number is (571) 272-4211. The examiner can normally be reached on M-F 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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/Gary J Portka/

Primary Examiner, Art Unit 2188

December 16, 2008